

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

UNITED STATES OF AMERICA

v.

**POST TRIAL MOTIONS AND
SENTENCING MINUTES**

MOHAMAD JAMAL KHWEIS

Case No. 1:16CR143

HONORABLE LIAM O'GRADY presiding
Proceeding Held: October 27, 2017
Deputy Clerk: Amanda

Time Called: 11:28
Time Concluded: 1:34 p.m.
Court Reporter: N. Linnell

Appearances:

UNITED STATES OF AMERICA by:
MOHAMAD KHWEIS in person and by:
INTERPRETER: None

Dennis Fitzpatrick, Raj Parekh
John Zwerling, Jessica Carmichael
 Interpreter Sworn

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- The parties have no objections to the factual statements in the PSR The parties have no objections to the application of the guidelines in the PSR
- Objections/corrections to factual statements in PSR by Plaintiff Defendant Objections/corrections to application of guidelines by Plaintiff Defendant
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- The government presents sentencing argument: Recommends 420 months (35 years) The defendant presents sentencing argument: Requests 5 years with credit for time served in Iraq
 Defendant exercises right of allocution. The court imposes sentence.
 The government dismisses count(s) _____ Defendant advised of appeal rights.

SENTENCING GUIDELINES:

Offense Level: 42

Criminal History: 6

Imprisonment Range: Cts. 1&2: 360 months – Life; Ct. 3: 60 months to life, consecutive

Supervised Release Range: Cts. 1&2: 2 years to Life; Ct. 3: 2-5 years

Fine Range: Cts. 1&2: \$50,000.00 - \$250,000.00

Restitution: N/A

SA: 300.00

11:29 a.m. – Ms. Carmichael argues [204] and [220] motions for new trial.

11:33 a.m. – Mr. Parekh responds and presents argument opposing motion for new trial.

11:41 a.m. – Mr. Zwerling replies.

- Court denies the Rule 33 motion for new trial.

11:53 a.m. – Ms. Carmichael argues the Rule 29 motion.

12:03 p.m. – Mr. Parekh responds and presents argument opposing Rule 29 motion.

12:18 p.m. – Ms. Carmichael replies.

- Court finds that Count 3 is supported by the evidence and denies the Rule 29 motion.

- Order to follow.

12:25 p.m. – Ms. Carmichael argues against terrorism enhancement 3A1.4 and other enhancements (2M5.3).

12:28 p.m. – Mr. Fitzpatrick responds and argues for enhancement 2M5.3. Also ask to impose obstruction

- Court finds intent for 3A1.4 and is appropriate and so is 2M5.3.

- There is significant evidence of obstruction.

- Mr. Fitzpatrick asks Court to disregard doctor's report.

- Mr. Zwerling presents sentencing argument.

SENTENCE IMPOSED:

Imprisonment: 180 Months as to Count(s) One of the Indictment.
 180 Months as to Count(s) Two of the Indictment.
 60 Months as to Count Three Of the Indictment

Imprisonment term for each count to be served concurrently consecutively.

TOTAL TERM OF IMPRISONMENT IMPOSED: 240 months with credit for time served since arrest by the Peshmerga on March 16, 2016.

Probation: _____ Years as to Count(s) _____ of the _____.

Supervised Release: 10 Years as to Count(s) 1,2 of the Indictment.
 4 Years as to Count(s) 3 of the Indictment.

MONETARY PENALTIES

Special Assessment: \$ 300.00 due immediately

Fine: \$ _____ fine waived

Restitution: \$ _____ determination deferred

JOINT AND SEVERAL PAYMENTS

- Fine and/or Restitution is **joint and several** with _____.
 Repayment of Buy Money is **joint and several** with _____.

FORFEITURE

- All property forfeited upon conviction or by order of the court shall be included in the criminal judgment.

RECOMMENDATIONS

- The court recommends the defendant's placement at FCI Cumberland
 The court recommends the defendant's participation in the Bureau of Prisons' 500-hour drug treatment program.
 Other: _____.

CUSTODY

- The defendant is remanded to the custody of the U.S. Marshal Service.
 The defendant is to voluntarily surrender at the institution designated by the Bureau of Prisons as notified by the U.S. Probation Office; on or after _____.

CONDITIONS OF SUPERVISED RELEASE/PROBATION

Special Conditions

- Drug Testing – Special Condition
- Drug Testing – Standard Condition
- Drug Testing – Waived
- Monthly Restitution Payment: \$ _____
- Monthly Fine Payment: \$ _____
- Repay Buy Money – Total: \$ _____.
 Repay Buy Money: \$ ____/month
- No New Lines of Credit
- Financial Disclosure
- Submit to search by USPO
- No tavern employment or patronization
- No employment with fiduciary responsibilities
- No gambling
- No transfer of assets in excess of \$500.00
- No possession/use of computer – on-line access
- No possession/use of data encryption/erasure
- Provide computer passwords and logons
- Consent to computer searches
- No computer use w/o permission
- Home Confinement for _____ days
- Home Confinement with Alcohol Testing for _____ days
- Community Correctional Center: _____ days
- Residential Re-Entry Center: _____ days
- Cooperate with Bureau of Immigration/Customs
- Cooperate with IRS
- Cooperate with Child Support
- Participate in mental health treatment program
- Participate in sex offender assessment/treatment
- Waive confidentiality
- No sexually-explicit materials w/minors
- No possession/viewing of pornography or erotica
- Obtain GED or HSED
- No contact – unrelated children under 18
- No contact with victim(s)
- No contact with individuals involved with terrorist activities
- Maintain full-time employment
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